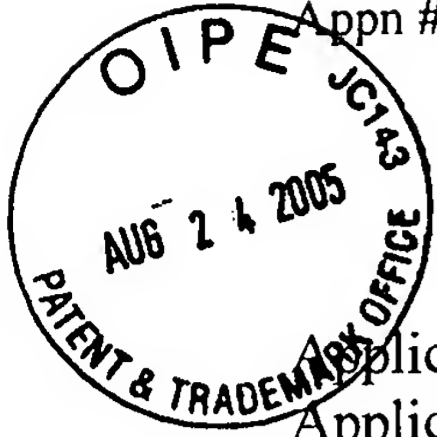


08-25-05

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Appn #: 10/644,572

(Giles, Smith ET AL.)

GAU: 2632

Petition to Withdraw Holding of Abandonment

Application #: 10/644,572
Application Filed: 08/21/2003
Applicants: Samuel K. Giles & Christopher E. Smith
Application Title: Vehicle Security System
Examiner/GAU: Travis R. Hunnings/2632

Mailed: 8/24/2005

Petition to Withdraw Holding of Abandonment

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir,

In response to the Office Letter mailed August 9th 2005, the delay in our response was unavoidable due to the frequency of communication between the applicants and the USPTO. These points are further explained in the attached declaration.

Sincerely,

Pro se applicants

Samuel K. Giles

Christopher E. Smith



Declaration

Pro se applicants Samuel K. Giles and Christopher E. Smith declare the following:

1. Upon receiving the Non-Final Office Action on October 6th, 2004, the applicants submitted a Request for Extension of Time on January 10th 2005. While working on the required amendment during the granted extension time, the applicants elected to purchase the 6th and final month for extension.
2. The applicants were unaware of the fees associated with the acquisition of the last and final month of the extension and decided to inquire with the USPTO's Inventor's Assistance Center and the examining officer presiding over the application regarding the correct fee for an additional month of extension time.
3. After these verbal conversations, it was understood that a payment of \$60 was needed to add one additional month to the applicants' extension time. On March 3rd 2005, the applicants submitted a request for and were granted an extension of time of one month.
4. The next communication with the USPTO was the submission of the amendment on March 29th 2005.
5. The following events, between the applicants and the USPTO, outline opportunities for the USPTO to notify the applicants of their open balance for their extension of time request.
 - a. On May 11th 2005, Pro se applicant Christopher E. Smith was contacted by the Examining Officer, Travis R. Hunnings in regards to the applicants' amendment. The examiner inquired if the applicants had submitted the amendment. The applicants notified the examiner that they had submitted the amendment on March 29th 2005 and the postcard receipts were returned to the applicants.

- b. During this conversation, a resolution was reached. The applicants would need to re-submit the amendment in response to the Non-Final Office Action by facsimile.
 - c. On May 17th a follow-up email was sent to pro se applicant Christopher E. Smith
 - c. On May 20th 2005, the applicants resubmitted their amendment via facsimile.
 - d. There was no warning or conversation about potential application abandonment or open balance during these conversations.
6. The following events, between the applicants and the USPTO, outline opportunities for the USPTO to notify the applicants of their open balance for their extension of time request.
- e. On June 16th 2005, the applicants were again contacted by the examining officer.
 - f. The examiner notified the applicants that the previously facsimile submitted amendment was not signed by the applicants and another amendment would need to be sent.
 - g. On June 22nd 2005 the applicants re-submitted a signed amendment to the USPTO via Express Mail.
 - h. Once again, there was no warning or conversation about potential abandonment due to an open balance during these conversations.
7. Lastly, on August 9th 2005, the USPTO sent the Pro se applicants a notice of abandonment.

Had the applicants, Samuel K. Giles and Christopher E. Smith, been informed of the open balance, the applicants would have paid the balance in order to be in compliance with the USPTO. The applicants were informed on all other major problems and/or concerns pertaining to the application and the amendment except for the open balance for extension of time. Again the applicants would like to point out that there were attempts to seek out the fee information through the USPTO's Inventor's Assistance Center and the examining officer. The applicants only submitted a payment that was thought to be accurate. It is the applicants' intent to be in compliance with the USPTO in order to avoid anymore delays. Enclosed is a check in the amount of the open balance.

Applicants, Samuel K. Giles and Christopher E. Smith, are looking forward to hearing from someone regarding this Petition to Withdraw Holding of Abandonment in the near future. Thank you for your time and consideration.

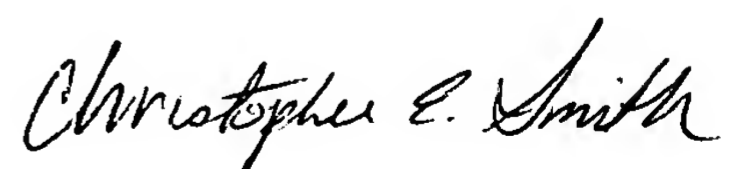
We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardized the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Sincerely,

Pro se Applicants

A handwritten signature in black ink, appearing to read "Samuel K. Giles". The signature is fluid and cursive, with the first name being the most prominent.

Samuel K. Giles

A handwritten signature in black ink, appearing to read "Christopher E. Smith". The signature is cursive and somewhat stylized, with the last name being the most prominent.

Christopher E. Smith

YAHOO! MAIL



Print - Close Window

To: skgiles@iseinnovations.com
Subject: Travis cont'd
From: "Christopher" <cesmith5@excite.com>
Date: Tue, 16 Aug 2005 21:30:03 -0400 (EDT)

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Forwarded Message

Subject: RE: amendment
Date: Fri, 20 May 2005 10:04:33 -0400
From: "Hunnings, Travis R." <Travis.Hunnings@USPTO.GOV>
To: cesmith5@excite.com

HTML Attachment

Ok thanks.

-----Original Message-----

From: Christopher [mailto:cesmith5@excite.com]
Sent: Friday, May 20, 2005 10:05 AM
To: Hunnings, Travis R.
Subject: RE: amendment

Travis,

I am faxing the amendment along with the postcard receipt recieved from the PTO. If there is anything else need please let me know.

Thanks,

Chris

--- On Tue 05/17, Hunnings, Travis R. <Travis.Hunnings@USPTO.GOV> wrote:

From: Hunnings, Travis R. [mailto:Travis.Hunnings@USPTO.GOV]
To: cesmith5@excite.com
Date: Tue, 17 May 2005 14:26:16 -0400
Subject: amendment

chris,

i talked to my supervisor. he suggested that you fax me your amendment along with the postcard and any other correspondence you received from the office regarding your amendment.

i will take the amendment and get it to the right people to get it scanned into the system.

you can fax it to me at (571) 273-3118

Travis R. Hunnings

Patent Examiner

Art Unit 2632

(571) 272-3118

travis.hunnings@uspto.gov

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YAHOO! MAIL

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To: skgiles@iseinnovations.com
Subject: Most recent e-mail from Travis
From: "Christopher" <cesmith5@excite.com>
Date: Tue, 16 Aug 2005 21:27:14 -0400 (EDT)

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Forwarded Message

Subject: RE: amendment
Date: Tue, 2 Aug 2005 16:12:06 -0400
From: "Hunnings, Travis R." <Travis.Hunnings@USPTO.GOV>
To: cesmith5@excite.com

HTML Attachment

Chris, sorry it's been so long since I last spoke with you. It's been interesting trying to get your amendment into the system and getting everything straight.

However, I think we did find the problem. You originally paid for both a 2-month and 1-month extension of time in order to get your amendment in on time. The problem was that the \$60 you paid for the 1-month extension is only for an amendment filed within the first month of extendable time (that is the 4th month since the non-final action was mailed). In order to get the full 3-month extension you needed to pay the full price of \$510.

I know this sounds pretty bad but I think there is a solution. Now, what has to be done is I will send out a notice of abandonment on your case because there was no (timely) filed amendment because our system only recognized that you paid for a 2-month extension (you were (\$510-(\$225+\$60)) \$225 short of the full 3-month price). So what you need to do is wait till you get the notice of abandonment in the mail and then contact the Petitions office at (571) 272-3282 and explain the situation and ask them what you need to do in order to file a petition to revive your application.

I'm not sure what that would entail, but it might just be as simple as paying the difference in fees.

Sorry for all the confusion. You should get the notice in the next 2 weeks. Give me a call or email if you have any questions.

Travis R. Hunnings

Patent Examiner

Art Unit 2632

(571) 272-3118

travis.hunnings@uspto.gov



The following received today:
Utility Patent Amendment for Samuel K. Giles and Christopher E. Smith for "Vehicle Security System," consisting of 18 pages of substitute specification, 18 pages of clean amended specification, 3 pages of claims, 2 two pages of drawings, 16 pages of remarks/arguments, an appendix, cover letter, \$230 check for filing fee and receipt postcard.



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419 509-0798

S.K. Giles

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Samuel K. Giles

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